

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEE BOOZER,)
)
Plaintiff,) Civil Action No. 23-12E
)
v.) Magistrate Judge Maureen P. Kelly
)
) Re: ECF No. 38
SUPERINTENDENT LONNIE OLIVER, *et*)
al.,)
)
Defendants.)

MEMORANDUM ORDER

Plaintiff Lee Boozer (“Plaintiff”) is an inmate currently incarcerated at the State Correctional Institution at Camp Hill (“SCI-Camp Hill”). In this action, Plaintiff raises claims related to his confinement at the State Correctional Institution at Albion (“SCI-Albion”). Plaintiff filed an Amended Complaint on April 25, 2023, ECF No. 12, and a Second Amended Complaint on February 24, 2024, ECF No. 37.

Presently before the Court is Plaintiff’s Motion to Compel Discovery (“Motion to Compel”). ECF No. 38. In the motion, Plaintiff seeks action of this Court relative to the alleged refusal of Defendants to provide certain discovery and relative to objections to discovery requests that Plaintiff asserts are without merit. *Id.* Defendants Oliver, Santos and Baumbeer have filed a Response in opposition to the Motion to Compel. ECF No. 45.

Upon review of the Motion to Compel and the Response, the Court finds as follows as to the discovery at issue.

1. Requests for Copies of Certain DOC policies

In light of the fact that Plaintiff is currently housed in the Restricted Housing Unit (“RHU”) and has reported that the RHU library does not contain DOC policies, Defendants are directed to produce copies of the following policies to Plaintiff, unless they are confidential and not produced to inmates for security reasons: DC-ADM 15.1, DC-ADM 201, DC-ADM 141 (parts 1 to 4) and DC-ADM 709, as referenced in the Motion to Compel at ECF No. 38.

2. Investigation Reports

Plaintiff seeks copies of the investigative reports relative to the incident on 7/7/22. Defendants’ Certificate of Compliance Regarding Case Management Order, ECF No. 24, does not indicate that any investigation reports were produced. As such, Defendants are directed to produce to Plaintiff copies of any investigation reports relative to this incident.

3. Videos Related to Incident

Plaintiff argues that he has not been provided and/or seen the videos relative to the incident at issue, including: the incident, officers packing his personal and legal items and the hand-held camera video from medical triage. In Defendants’ Certificate of Compliance Regarding Case Management Order, ECF No. 24, Defendants state that they were in the process of obtaining the videos. In the Defendants’ Response in opposition to the Motion to Compel, ECF No. 45, Defendants state that the videos have been produced for the Plaintiff to review.

Given the lack of specificity of these filings, Defendants are directed to file on the docket, and provide to Plaintiff, a Notice identifying each and every video relative to this incident. Defendants are further directed to include in the Notice a confirmation that all of the identified videos have been shown to Plaintiff and state the date that the videos were shown.

Also, Defendants are to identify the current custodian of the produced copies of these videos at SCI-Camp Hill.

4. Property Confiscation Notice

Plaintiff claims that he was not provided a notice of what property was confiscated. In the Certificate of Compliance Regarding Case Management Order, ECF No. 24, Defendants state that the Confiscated Items Receipt and Receipt for Property were provided to Plaintiff. As such, the Motion to Compel this documentation is denied.

5. Names of DOC Employees

In Request No. 3, Plaintiff sought the first names of certain DOC employees relative to the incident and conduct at issue in this case. Defendants objected to providing this information. ECF No. 38-1 at 3. Similarly, in response to Plaintiff's Second Request for Production of Documents, Defendants objected to providing first names for identified employees at SCI-Albion on July 7, 2022. ECF No. 38-1 at 7. Plaintiff is entitled to the first names of these employees. As such, Defendants are directed to provide this information to Plaintiff.

For these reasons, it is hereby ORDERED that Plaintiff's Motion to Compel, ECF No. 38, is granted in part and denied in part as set forth herein. Defendants are further directed to provide the identified information and documentation by April 4, 2024.

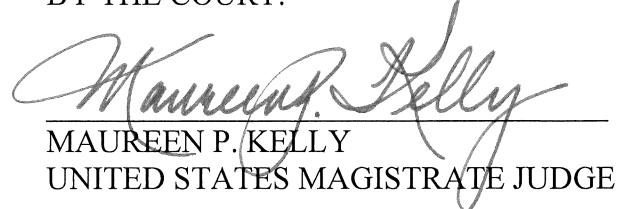
In light of this Order, the Court will address an extension of discovery in a separate amended case management order.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street,

Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

DATED: March 20, 2024

BY THE COURT:



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE